

Remarks

I. The 112 Rejection.

In the first paragraph of the Official Action,
Examiner rejected claims 1 and 14 under 35 U.S.C. 112,
5 first paragraph, as not being supported by the
specification. This rejection is respectfully traversed.

Page 5, lines 2-8 state, "when a method and apparatus
receives a request for a web page, a timestamp, designating
the time the user made the request, is supplied with one or
10 more commands to rerequest the page. The commands may be
in the form of a program, applet or script that will cause
the browser that made the original request to send one or
more periodic rerequests for the web page." Additionally,
page 40, lines 11-18 recite sending an applet and a
15 timestamp to the user sending the request "as described
above." Page 18 describes the applet and the fact that it
is sent to the user's system. The details of the applet
are described on page 19, lines 8-24 in sufficient detail
to allow one skilled in the art to make and use the
20 invention. The applet includes one embodiment of the
claimed at least one command.

Page 40, lines 12-13 identify that the timestamp is also sent. Page 17, lines 20-24 and page 18, lines 12-24 also describes the timestamp.

Page 8, lines 2-3 describe that "The present invention
5 may be implemented as computer software on a conventional computer system." Computer program products and computer readable program code devices are described on page 8, line 21 - page 9, line 8.

Thus, claims 1 and 14 are fully supported by the
10 specification and Examiner is requested to withdraw the rejection.

II. The 103 Rejection

In paragraphs 1-15 (it is noted that there are two paragraphs labeled "1", one in the section regarding the
15 112 rejection and in the other in the section regarding the 103 rejection), Examiner rejected claims 1-31 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,330,605 issued to Christensen in view of U.S. Patent 6,366,947 issued to Kavner. This rejection is respectfully
20 traversed.

Claim 1 recites, "receiving the first request for the web page; and transmitting, to a device from which the first request was received, at least one command to send a

second request for the web page, and a first timestamp."

Claims 2-13 depend from claim 1 and contain all of its features.

Claim 14 recites, "computer readable program code
5 devices configured to cause a computer to receive the first
request for the web page; and computer readable program
code devices configured to cause a computer to transmit, to
a device from which the first request was received, at
least one command to send a second request for the web
10 page, and a first timestamp." Claims 15-26 depend from
claim 14 and contain all of its features.

These claimed features receive a first a request for a
web page, and transmit to the device that sent the request,
a command to send a second request for that web page and a
15 timestamp.

Applicants are perplexed by Examiner's rejection of
the claim as it does not appear to show the features of the
claim. If Examiner is understood, Examiner is using
Christensen to show the first request for a web page, which
20 Christensen says is sent to a proxy (col. 4, line 61),
which Christensen says runs on a server (col. 5, lines 6-
9), from a client (col. 4, line 62). This would make the
client the device from which the request was received. It

then appears that Examiner is then attempting to use Kavner's GET <resource> request and/or connect command to show "transmitting, to a device from which the first request was received, at least one command to send a second request for the web page, and a first timestamp".

The problem with Examiner's proposed combination is that it doesn't show the features of the claimed invention. If the GET <resource> request is being used to show the purported transmission, it not only isn't being made to the device from which the request was received, it isn't even being sent to the same type of device from which the request was received. The GET <resource> request is sent from a browser, which runs on a client, to a server (Col. 4, lines 22-24). This means it is sent to a server, not a client. If Christensen's command is sent from a client to a server, and Kavner's command is sent from a client to the server, there is no way that Kavner's command could be sent to the same device from which the command was received, because that device is a client, not a server.

Examiner states at paragraph 16 of the Official Action that the "GET <resource> command, which Kavner clearly states is sent from a client to a server, could be interpreted by one skilled in the art could be

[interpreted] as a command to send a request if a certain value changes, such value being assumed to mean the date and time the file was last modified on the server. But Examiner's interpretation is not the case: the command is
5 sent from the client to the server and the server then sends a response if the time the file was last modified on the server is different from the If-Modified-Since tag. In any event, the GET <resource> is sent from the client to the server: however it is interpreted, the direction is to
10 the server, not the opposite direction, which would be required if the first command is sent from the client to the server as Examiner suggests.

Similarly, Kavner's connect command is sent from a client to a server. Kavner states at column 9, lines 17 to
15 20 that the web browser implements the steps of Figure 3 when downloading a resource from a server. The connect command is described as a step of Figure 3, and "initiates the connection between the client and the server" (Col. 9, lines 40-41). Not only is the connect command issued from
20 the client to the server, but it also doesn't contain the timestamp.

If the request of Christensen is sent from a client to a server, and the GET <resource> request and connect

commands of Kavner is sent from a client to a server, where
is the command to send a second request and a timestamp
being sent from a server to a client? It isn't, and so the
claims are patentably distinguishable over Kavner and
5 Christensen, either alone or in combination.

Therefore, claims 1 and 14 are patentably
distinguishable over Kavner and Christensen, either alone
or in combination. Because claims 2-13 depend from claim 1
and claims 15-26 depend from claim 14, claims 1-26 are
10 patentably distinguishable over Kavner and Christensen,
either alone or in combination.

As amended, claim 27 recites, "a cookie/applet
generator having an input coupled to the user request
router output for receiving the signal, the cookie/applet
15 generator for providing, to a device from which the first
request was received, via a first output coupled to an
apparatus output a first indicator of at least one time to
send a second request for the web page" (emphasis added).
Claims 28-31 depend from claim 27 and contain all of its
20 features.

These claimed features provide an indicator of at
least one time to send a second request for a web page.
Kavner, column 4, lines 44-59 uses a cache to display a web

page and simultaneously sends a request for an updated page, but Kavner doesn't send a time as claimed. Because Kavner does not send an indicator of the time to send the request as claimed, Kavner is restricted to sending the request for the updated page simultaneously with the display of the page. Thus, claim 27 is patentably distinguishable over Kavner. Furthermore, the claim was previously amended to note that the first indicator of at least one time to send a second request for the web page was sent to a device from which the first request was received, and Examiner has not asserted that Christensen does this. Examiner raises Christensen, column 4, lines 43-56, but there is nothing there that even resembles a cookie applet generator, and nothing that sends the indicator of the at least one time as claimed.

Examiner had previously pointed to Christensen's use of timers, but Christensen uses the timer, it doesn't provide the value from such timer to a device from which the first request was received, as would be required to anticipate claim 27. At paragraph 17 of the Official Action, Examiner provided a summary of Applicant's argument, but never responded to it. Thus, claim 27 is patentably distinguishable over Kavner and Christensen. Because claims 28-31 depend from claim 27, claims 27-31 are

patentably distinguishable over Kavner and Christensen,
either alone or in combination.

Claims 1-31 are patenably distinguishable over the
cited references. Favorable action is solicited.

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Respectfully submitted,

May 1, 2006

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